

REMARKS

The Examiner has rejected Claims 1-5 under 35 U.S.C. Section 102(b) as being unpatentable over U.S. Patent No. 6,095,356. Claims 9-11, 16-18 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,732,837 to Jones in view of Rits. Claims 13 and 14 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Jones in view of Rits as applied to Claim 10, and further in view of U.S. Patent No. 5,689,895 to Sutherland et al. Claims 6-8, 12, 15 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have not cancelled or amended any claims, as it is believed that all claims as written are patentably distinguishable over the applied references. Applicants have added Claims 19-61 to patentably define further embodiments of the present invention.

Independent Claim 1 stands patentably distinguishable over the applied reference to Rits (i.e., U.S. Patent No. 4,095,356). Claim 1 claims that the second filter member is *disposed juxtaposedly* to the first filter member. The membrane 22 in U.S. Patent No. 4,095,356 to Rits is *not* disposed juxtaposed to membrane 26. Webster's Universal Encyclopedic Dictionary, published by Barnes and Noble Books in 2002 (ISBN 0-7607-2911-5), defines juxtaposed as: "to place side by side", or "adjacent" which means or is defined as "having a common end point or border.....immediately preceding or following."

Membrane 22 in Rits is not side by side to membrane 26, nor is membrane 22 adjacent to membrane 26 because it does not have a common end point or border, nor does it immediately precede or follow membrane 26. Membrane 22 is separated from membrane 26 by an absorbing intermediate material identified in Rits as "24". Thus, Claim 1 stands patentably distinct over the applied reference to Rits.

It should be noted by the Examiner that Col. 2, lines 54-58 ("....the lower gas permeable membrane 22 has a pore size in the range of.....to about 1 mm.") of Rits does *NOT* teach (as the Examiner is alleging) that the "first filter member has a higher flexibility than the second filter member" as claimed by Applicants in dependent Claim 5. It should be further noted by the Examiner that the above arguments, with respect to membranes 24 and 26 not being juxtaposed, are also applicable to independent Claims 9 and 10. Thus, independent Claims 9 and 10, as well as independent Claim 1, stand patentably distinguishable over the applied references.

*pore size range
0-10 microns
flexible*

As indicated, Applicants have added Claims 19-61 (further see added Claims 19-61 in accompanying "Marked-Up Version") to claim additional embodiments of the present invention. None of the foregoing claimed features are taught by the applied references: (i) ".....a second filter.....having the capability of being contacted by the first filter member when the first filter member is flexed" (as claimed in independent Claim 19); (ii) ".....a first filter member disposed over the opening and having a flexed structure...(as claimed in independent Claim 30); (iii)

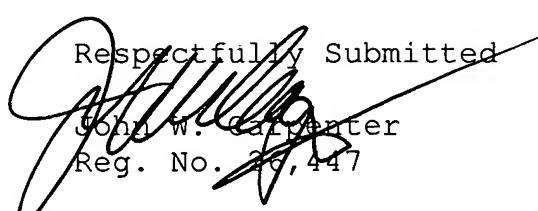
new matter

".....and having no absorbing material positioned between the first and second filter members" (as claimed in independent Claim 37); (iv) ".....moving the second filter towards the first filter member" (as claimed in independent Claim 51); and (v) "a temperature-conductive member passing through a side of the flask" as claimed in allowed dependent Claim 8 (and as now claimed in independent Claim 57). Therefore, independent Claims 19, 30, 37, 51, and 57 are in condition for allowance, as well as all claims depending on independent Claims 19, 30, 37, 51, and 57.

Applicants have amended Figure 5 to reflect, as stated on page 8 (lines 1-3) of the specification, that the cap 86 and hydrophobic filter in Figure 5, is/are prior art to Nalge Nunc International Corp. (i.e., the Nunc EasYFlack closure system). Approval by the Examiner is respectfully solicited.

All Claims are now in condition for allowance and an early notice of same is respectfully solicited.

Respectfully Submitted


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CERTIFICATION OF MAILING

I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date shown below.


Signature

Date

April 15, 2003

MARKED-UP VERSION

IN THE DRAWINGS

Figure 5 has been amended in accordance with the red ink corrections/amendments (i.e., "PRIOR ART") on the accompanying copy of Figure 5, thus reflecting that the cap viewed in Figure 5 is a prior art cap. Approval of the amendment to Figure 5 is respectfully solicited from the Examiner.

IN THE CLAIMS

The following Claims have been added:

19. A device for holding substances during drying comprising a flask having a structure defining an opening; a first filter member disposed in the opening; and a second filter member disposed in the opening and having the capability of being contacted by the first filter when the first filter is flexed.

20. The device of Claim 19 additionally comprising a retainer ring engaged to the flask for retaining the first and second filter members in the opening.

21. The device of Claim 19 wherein said first filter member has a higher flexibility than the second filter member.
22. The device of Claim 19 wherein said structure of said flask additionally comprises a second opening.
23. The device of Claim 19 additionally comprising a third filter member disposed in a second opening.
24. The device of Claim 19 additionally comprising a temperature-conductive member passing through a side of the flask.
25. The device of Claim 19 wherein said first filter member includes a flexed structure in contact with the second filter member.
26. The device of Claim 19 wherein said first filter member and said second filter member have no absorbing material disposed between them.
27. The device of Claim 19 additionally comprising a pair of temperature-conductive members passing through the flask.
28. The device of Claim 20 wherein said retainer ring includes an inwardly protruding lip extending over a portion of the second filter member disposed between the inwardly protruding lip and the flask.

29. The device of Claim 28 additionally comprising a cap coupled to the retainer ring.

30. A device for holding substances during drying comprising a flask having a structure defining an opening; a first filter member disposed over the opening and having a flexed structure; and a second filter member disposed over the opening and in contact with the flexed structure.

31. The device of Claim 30 additionally comprising a retainer ring engaged to the flask and having an inwardly protruding lip extending over the second filter for retaining the first and second filter members over the opening of the flasks.

32. The device of Claim 30 wherein said first filter member has a higher flexibility than the second filter member.

33. The device of Claim 1 wherein said structure of said flask additionally comprises a second opening.

34. The device of Claim 6 additionally comprising a third filter member disposed in said second opening.

35. The device of Claim 1 additionally comprising at least one temperature-conductive member passing through a side of the flask.

36. The device of Claim 30 wherein said first filter member and said second filter member are juxtaposed with respect to each other and have no absorbing material

disposed therebetween, and said second filter member is in contact with the flexed structure of the first filter member.

37. A device for holding substances during drying comprising a flask having a structure defining an opening; a first filter member disposed in the opening; and a second filter member disposed in the opening and having no absorbing material positioned between the first and second filter members.

38. The device of Claim 37 wherein said first filter member comprises a flexed structure in contact with the second filter member.

39. The device of Claim 37 wherein said first and second filter members are juxtaposed with respect to each other.

40. The device of Claim 37 additionally comprising at least one temperature-conductive member passing through the flask.

41. The device of Claim 39 additionally comprising at least one temperature-conductive member passing through the flask.

42. The device of Claim 1 wherein said first filter member includes a flexed structure in contact with the second filter member.

43. The device of Claim 1 wherein said first filter member and said second filter member have no absorbing material disposed between them.

44. The freeze-drying assembly of Claim 9 wherein said first filter member has a higher flexibility than the second filter member.

45. The freeze-drying assembly of Claim 9 wherein said structure of said flask additionally comprises a second opening.

46. The freeze-drying assembly of Claim 45 additionally comprising a third filter member disposed in said second opening.

47. The freeze-drying assembly of Claim 9 additionally comprising a temperature-conductive member passing through a side of the flask.

48. The freeze-drying assembly of Claim 46 additionally comprising a temperature-conductive member passing through a side of the flask.

49. The freeze-drying assembly of Claim 9 wherein said first filter member includes a flexed structure in contact with the second filter member.

50. The freeze-drying assembly of Claim 9 wherein said first filter member and said second filter member have no absorbing material disposed between them.

51. A method for processing a substance under sterile conditions comprising disposing a substance in a flask; positioning the flask in a drying apparatus; passing a drying medium through a first filter member and through a second filter member for drying the substance; and moving the second filter towards the first filter member.

52. The method of Claim 51 additionally comprising rehydrating the dried substance.

53. The method of Claim 51 additionally comprising moving the second filter member against the first filter member.

54. The method of Claim 51 wherein said second filter member is juxtaposed to the first filter member.

55. The method of Claim 51 wherein said first filter member and said second filter member have no absorbing material disposed between them.

56. The method of Claim 10 wherein said first filter member and said second filter member have no absorbing material disposed between them.

57. A device for holding substances during drying comprising a flask having a structure defining an opening; a first filter member disposed in the opening; a second filter member disposed in the opening; and a temperature-conductive member passing through a side of the flask.

58. The device of Claim 57 wherein said structure defines a second opening.

59. The device of Claim 58 additionally comprising a third filter member disposed in said second opening.

60. The device of Claim 57 wherein said second filter possesses the capability of being contacted by the first filter when the first filter is flexed.

61. The device of Claim 59 wherein said second filter possesses the capability of being contacted by the first filter when the first filter is flexed.